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OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

Aug 22, 1996

DOCKET FILE COPY ORIGINAL

The Honorable Anna G. Eshoo  
U.S. House of Representatives  
308 Cannon House Office Building  
Washington, D.C. 20515-0514

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OCT 10 1997

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Dear Congresswoman Eshoo:

This is a further response to your letter of May 23, 1996, regarding the wireless Enhanced 911 (E911) rulemaking proceeding (CC Docket No. 94-102). The Commission adopted a *Report and Order and Further Notice of Proposed Rulemaking (Order and Further Notice)* in this proceeding on June 12, 1996. I am pleased to inform you that the Commission, on July 26, 1996, released the official text of the *Order and Further Notice*, which is enclosed for your reference.

First, I would like to thank you and your staff for your involvement in the E911 proceeding. Your efforts to bring together the various affected parties, and to promote a constructive exploration of the issues, were extremely helpful to the Commission's decisionmaking process. The rules adopted in the *Order* are a first step toward our common goal of meeting public safety communications needs by ensuring that wireless 911 and E911 services are as widely available as possible and that these services take advantage of advances in communications technology. You suggested in your letter that cellular customers should never be blocked from 911, regardless of their carrier's roaming agreement with the wireless carrier serving the area. In addressing this issue, the *Order* requires cellular carriers (as well as broadband PCS and certain specialized mobile radio licensees) to transmit all 911 calls made from mobile handsets that have a Mobile Identification Number (MIN) or other code identification, without any blocking, credit checks, or other validation imposed by the carrier. In addition, if the public safety organization has elected to receive all types of wireless 911 calls, the carrier is required to transmit all wireless 911 calls to the public safety answering point -- including calls from mobile units that do not have any MIN or other code identification.

The Commission also adopted a *Further Notice* seeking comment on a variety of issues to ensure that E911 system performance keeps pace with the latest technologies. I

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The Honorable Anna G. Eshoo

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greatly appreciate your active involvement in this proceeding and assure you that the Commission will continue its commitment to these public safety issues.

Sincerely,

A handwritten signature in black ink, appearing to be 'R. Hundt', with a large, sweeping flourish at the end.

Reed E. Hundt  
Chairman

Enclosure

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

The Honorable Reed Hundt, Chairman  
Federal Communications Commission  
1919 M Street NW  
Washington, D.C. 20554

Dear Chairman Hundt,

Thank you for your efforts to address consumer concerns on cellular access to 911 as part of the Commission's rulemaking on enhanced 911 for mobile services. I appreciate the time you and the Commission's staff have put into this issue. In particular: Michelle Farquahar, Wireless Bureau Chief; Lyndon Boozer, Special Assistant, Office of Legislative and Intergovernmental Affairs; Dan Phythyon, Director of the Office of Legislative and Intergovernmental Affairs; David Wye, Technology Advisor of the Wireless Bureau; and, John Cimko, Chief, Policy Division, of the Wireless Bureau have been very helpful and responsive.

Based on ongoing staff level discussions between the various affected parties, my office, and the FCC, I believe a reasonable solution is within our grasp. Involved in these discussions are: National Emergency Number Association (NENA), Association of Public Communications Officials (APCO), GTE MobileNet, AirTouch Communications, the Cellular Telecommunications Industry Association (CTIA), other cellular companies and the Ad Hoc Alliance for Public Access to 911. It is clear that the companies and organizations involved all want to adopt an approach that allows cellular use to thrive without putting consumers or public safety personnel in unsafe situations.

It is my understanding that there is at least one area of mutual agreement, that all cellular customers should never be blocked from 911, regardless of whether their cellular company has a roaming agreement with the cellular company serving the area. In addition, I believe there is general support for ensuring that calls to 911 are delivered on the strongest compatible signal, even if the signal is provided by a competitor's network.

Where the parties do not agree is on the question of cellular phone users who are not current subscribers to any cellular service. I strongly believe there should be no prerequisite for cellular access to 911. Consumers should not have to subscribe to a cellular service to reach basic emergency services. In my opinion, since cellular companies are using the public's spectrum, they should be prevented from blocking access to basic public services. Similarly, public safety officials should not be given the ability to pick and choose between emergency calls.

Indeed, wireline carriers operate under a similar obligation, and are required to provide service over a network they built with stockholder and ratepayer dollars. For example, wireline payphones do not require coin deposits before calling 911, and in many states, including California, consumers are not required to become a customer of the local telephone company before they can use their home wireline telephone to call 911.

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The cellular industry and some public safety officials have argued that 911 operators must have the ability to identify and return all calls that are made to 911. Although they do not currently have this ability with cellular phones, it is my understanding that they hope to in the future as a result of the framework laid out by the enhanced 911 rulemaking. Unfortunately, the ability to identify and call back cellular phones may be limited, under the proposed regulatory framework, to phones that are subscribed to a cellular service.

One faction of the public safety community, specifically NENA, has argued that the benefits of identifying and calling users back outweighs the costs associated with limiting access to 911. Therefore, they have argued that access for non-subscribed callers should be blocked.

Others in the public safety community, particularly APCO, agree that it would be highly beneficial to be able to identify and call back cellular users who call 911. However, they have argued that access should not be blocked simply for this reason.

Based on these perspectives, I believe there is an approach that will achieve the short-term consumer goal of ensuring access to 911, while also meeting public safety's long term goal of being able to identify and call back all cellular calls to 911.

I propose that the FCC:

- \* Adopt a rule that provides for unlimited access to 911 for all cellular users, regardless of whether they are subscribed to a cellular carrier or not;
- \* Recognizing that there are legitimate technological problems associated with identifying and calling-back non-subscribed users, I recommend that the FCC initiate a further notice of proposed rulemaking to develop a method to address these concerns;
- \* In this further notice, the FCC could also address the cost issues of providing cellular service for 911 purposes to non-customers.

In addition, because it is vital that these enhanced 911 services are made available as soon as possible, I urge you to adopt the deployment timetable as set forth in the joint CTIA, NENA, APCO, NASNA consensus letter regarding implementation of enhanced 911 services for wireless consumers.

At the same time, this rulemaking must not move us backwards in terms of consumer access to 911. I am very concerned that cellular consumers who currently enjoy access will find themselves without that access if the Commission condones any level of blocking. This is of particular concern to California, where no cellular calls to 911 are currently blocked. Should the FCC's rulemaking imply that some blocking is acceptable, many of my constituents may find themselves unable to contact emergency personnel when they need it the most. I simply cannot accept a scenario that would allow this to happen. I urge you to adopt the two-step approach I have outlined in this letter.

I hope through this letter I have conveyed the level of my commitment to this issue. Because it is essential that both the letter and the spirit of the law concerning Congressional / Executive communications are honored, I invite and welcome any of your questions or comments. I stand ready to field any and all questions you may have.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "A. Eshoo", with a large, stylized flourish above the name.

Anna G. Eshoo  
Member of Congress

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